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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,578	03/14/2001	Hawley Rising III	SONY-50P3814.01	5897

7590 06/16/2005  
WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
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FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,578

Applicant(s)

RISING ET AL.

Examiner

Marc R. Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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***Response to Amendment***

This Action is responsive to Applicant's RCE request and amendment submitted on May 3, 2005.

**To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2005 has been entered.

Claims 1-35 are pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the **first paragraph** of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 10, 19 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The feature of

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having each component semantic description originally created to semantically describe data other than said content data was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention.

Regarding claims 2-9, 11-18, 20-27 and 29-35, depend from claims 1, 10, 19 and 28 respectively, and are therefore rejected on the same basis.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10, 19 and 28, the feature of creating component semantic description to semantically describe “data other than said content data” is indefinite. It is not clear how the components are originally created not to describe at all said content data.

Regarding claim 2-9, 11-18, 20-27 and 29-35, depend from claims 1, 10, 19 and 28 respectively, and are therefore rejected on the same merits.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-35 rejected under 35 U.S.C. 102(e) as being anticipated by Vaithilingam et al. (hereinafter Vait) (U.S. Patent No. 6,411,724).

Regarding claims 1, 6, 10, 15, 19, 24, 28 and 32, Vait discloses a method/system of forming a semantic description for content data, comprising the steps of: (title, and col. 8, lines 2-5)

Retrieving plurality of component semantic descriptions (col. 2, lines 50-64) stored remotely from the content data (col. 3, lines 28 and 29, and col. 7, lines 49-52) according to reference information associated with the content data (fig. 1), wherein each component semantic description is originally created to semantically describe data other than said content data (fig. 2, items 110-114); and,

Generating a semantic description for said content data using some component semantic descriptions and reference information associated with said content data (fig. 2, items 120 and 132), wherein said semantic description describes an underlying meaning of said content data (fig. 2, block 133 and 134) rather than what is in said content data (cols. 10 and 11, TABLE 1, Category Type; i.e., Subjective, Production, Concepts) and wherein said reference information (fig. 3, MM\_SOURCE) includes **one** of location of said semantic component, identity of said component semantic descriptions needed to create said semantic description, and manner of

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processing said component semantic descriptions to create said semantic description (fig. 3, MM\_SOURCE specific LINKS, and col. 10, lines 27-33).

Regarding claims 2, 3, 11, 12, 20, 21, 29 and 30, Vait discloses modifying and extracting one or more component semantic descriptions to generate the semantic description (col. 10, lines 33-36).

Regarding claim 4, 13, 22 and 31, Vait discloses combining one or more component semantic descriptions to generate the semantic description (col. 10, lines 26 and 27).

Regarding claim 5, 14 and 23, Vait discloses the method of claim 1 is performed in response to a request for said semantic description (col. 2, lines 39-49).

(Note: query is a request)

Regarding claims 7, 8, 16, 17, 25, 26, 33 and 34, Vait discloses an internet network and using URIs to each component semantic description stored on the internet to facilitate access (col. 8, lines 47-52).

(Note: URL link along with a primary key identifier is equivalent to a URI's function)

Regarding claim 9, 18, 27 and 35, Vait discloses component semantic descriptions are stored in a control dictionary (col. 6, lines 58-65 and col. 7, lines 2-8).

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(Note: a predefined, updateable standard notation stored in a controlled facility is a control dictionary)

### *Response to Arguments*

Applicant's arguments filed on May 3, 2005 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on pages 12 through 15 of the 5/3/05 response that Voit does not teach the amended feature of the independent claims of originally creating meta-data (component semantic descriptions) to semantically describe data other than the content data.

Examiner disagrees. First, it is not clear from the Applicant's disclosure how to create semantic descriptions to semantically describe data other than the content data. Instead, the specification describes that semantic description schemes describe the underlying meaning or understanding of the content data (page 3). The specification goes on describing semantic description components describing and/or utilizing the content data (pages 4-6). Regarding Vait, meta-descriptors are generated by extracting unique features from content data in general. Note, some feature extracted from one content data item may be used to describe another content data item by way of clustering content data based on meta-descriptors (figures 1 and 2, items 110, 111, 112). For more information, refer to rejection above.

With respect to all the pending claims 1-35, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
June 8, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**